



December 28, 2012

Shana Murray
Small Hydropower Coordinator
Federal Energy Regulatory Commission
Office of Energy Projects
888 First Street, NE
Washington, DC 20426

Re: Peabody Trout Creek Reservoir Project (CHS #61739)

Dear Ms. Murray:

We received correspondence from Gordon Tucker, URS Cultural Resources Program Manager and Senior Archaeologist, on December 17, 2012 requesting concurrence with the proposed definition of the area of potential effects (APE) for the subject undertaking.

Following our review of the documentation provided, we are unable to concur with the Federal Energy Regulatory Commission (FERC) in their decision to not extend the APE boundary beyond the footprint of direct effects associated with construction of the proposed dam and reservoir on Trout Creek (currently defined as approximately 566-acres and roughly equivalent to the normal high water line plus a 100-ft. buffer), as we believe that the APE should encompass the "geographic area or areas within which an undertaking may directly or indirectly cause alterations to the character or use of historic properties, if any such properties exist" [36 CFR 800.16(d)]. It is also our opinion that the FERC is required to consider reasonably foreseeable effects caused by this undertaking that may occur later in time, be farther removed or be cumulative [36 CFR 800.5(a)(1)].

We respectfully request that the APE be expanded to include potential reroutes for Routt County Roads 33 and 179 (as shown in Figure 2) or other infrastructure that may be moved or constructed as a result of this undertaking. Further, we believe that an appropriate APE requires consideration of all indirect effects (including visual, noise, and vibration) and to afford other consulting parties such as local governments and Tribes an opportunity to comment on historic properties located therein that may be affected by this undertaking. Additional information provided by local governments, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mark Tobias, Section 106 Compliance Manager, at (303) 866-4674 or mark.tobias@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read "E. C. Nichols".

Edward C. Nichols
State Historic Preservation Officer
ECN/MAT

cc. Gordon Tucker, URS Corporation